

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

In RE:

DARRIN R DUNKIN
PAMELA D DUNKIN
Debtor(s)

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Case No. 14-13637-JDL
Chapter 13

**AMENDED OBJECTION TO CLAIM #7-1; OCWEN LOAN SERVICING, LLC, AS
SERVICER FOR THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW
YORK, AS TRUSTEE FOR THE HOLDERS OF THE GE-WMC ASSET-BACKED
PASS-THROUGH CERTIFICATES, SERIES 2006-1, MOTION FOR ATTORNEY
COMPENSATION, NOTICE OF OPPORTUNITY OF HEARING AND NOTICE OF
HEARING**

COMES NOW DARRIN R & PAMELA D. DUNKIN, the above named debtor(s), by and through their attorney, PHILIP A. HURTT, and files this *Amended* Objection to Claim #7-1; OCWEN LOAN SERVICING, LLC, AS SERVICER FOR THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE HOLDERS OF THE GE-WMC ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-1 ("Ocwen"), filed on August 3, 2015. The debtors have examined the claim of creditor, Ocwen, in the amount of \$75,578.78 and object to the allowance of the claim for the following reason:

1. That the Debtors agree they owe a mortgage of \$68,062.44.12 to Ocwen.
2. That the Debtors deny they owe any Foreclosure fee after the filing of their bankruptcy to Ocwen since Ocwen decided to proceed with the foreclosure sale in violation of the Automatic Stay and had to not only vacate the sale, but also vacate the Confirmation of Sheriff's Sale.
3. That Ocwen had notice of the 341 Meeting of Creditors and the Confirmation hearing

and failed to attend or send their attorneys, Baer, Timberlake, Couslon & Cates on their behalf nor did they file an objection to the confirmation of the plan and are thereby bound by the terms of said plan. They waited a year after the filing of the Bankruptcy and Seven (7) months after the Confirmation of the Chapter 13 Plan before even filing the Proof of Claim.

4. That Ocwen's Proof of claim for the arrearages should be reduced from \$9,436.24 to \$5,500.00, which is the current balance listed by the Debtor in their bankruptcy and in the non-objected to Confirmed Plan.
5. That Counsel for the Debtor be awarded \$500.00 for the Objection to the Proof of Claim filed by Ocwen Loan Servicing, LLC to be paid by Ocwen Loan Servicing, LLC.

WHEREFORE, Debtors pray that this Court deny Ocwen's arrearage claim and that Debtors' Counsel, Philip A. Hurtt, be awarded \$500.00 in attorney compensation for the filing of this objection to be paid by Ocwen Loan Servicing, LLC.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14

days from the date of filing of this request for relief. You should also serve a file stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

NOTICE OF HEARING
(TO BE HELD IF A RESPONSE IF FILED)

Notice is hereby given that if a response to the *Amended Objection to Claim #7-1; OCWEN LOAN SERVICING, LLC, AS SERVICER FOR THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE HOLDERS OF THE GE-WMC ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-1* and Motion for Attorney Compensation is filed, the hearing on the matter will be held on November 10, 2015 at 9:45 am in the 2nd floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the Court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

Respectfully submitted by:

/s/Philip A. Hurtt
PHILIP A. HURTT, OBA 16244
Branch & Hurtt Law Firm P.C.
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Oklahoma City, OK 73159
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Facsimile: (405) 634-9306
E-mail: lacristaoklaw@coxinet.net
Attorney for the Debtor(s)

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2015, a true and correct copy of the *Amended* Objection to Proof of Claim 7-1; The Bank of New York Mellon c/o of Ocwen Loan Servicing, LLC was electronically served using the CM/ECF system, namely:

John T. Hardeman, Chapter 13 Trustee and the U.S. Trustee.

OCWEN LOAN SERVICING, LLC, AS SERVICER FOR THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE HOLDERS OF THE GE-WMC ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-1 @ bmyers@baer-timberlake.com; kjones@baer-timberlake.com ; cbogle@baer-timberlake.com

I further certify that on the 29th day of September, 2015 a true and correct copy of the above and foregoing *Amended* Objection to Proof of Claim 7-1; The Bank of New York Mellon c/o of Ocwen Loan Servicing, LLC was mailed by First class mail, postage prepaid to:

The Bank of New York Mellon
c/o Ocwen Loan Servicing, LLC
Attn: Bankruptcy Dept
PO Box 24605
West Palm Beach, FL 33416-4605

/s/Philip A. Hurtt

Philip A. Hurtt